

**REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed April 10, 2003 . Claims 23-48 are currently pending, with claims 46-48 being newly-added. Claims 23-45 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,828,886 (*Hayashi*) in view of U.S. Patent No. 6,314,510 (*Saulsbury et al*); and further in view of Patent No. 6,317,869 (*Adl-Tabataba*). Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Independent claim 23

Currently-amended claim 23 is patentable over the cited references for at least the reason that the cited references do not disclose, teach, or suggest “compiling a plurality of blocks of code, including finding one or more unused bits in an instruction in one of the plurality of blocks of code, and using the one or more unused bits to pass information to the post-compile-time software application.”

II. Dependent claims 24-29

Dependent claims 24-29 are patentable over the cited references for at least the reason that each of the claims 24-29 includes all the limitations of claim 23 from which claims 24-29 depend, and which has been shown to be patentable over the cited references.

III. Independent claim 30

Currently-amended claim 30 is patentable over the cited references for at least the reason that the cited references do not disclose, teach, or suggest “a compiler that is configured to compile a plurality of blocks of code, the compiler including a code annotator that is configured to find one or more unused bits in an instruction in one of the plurality of blocks of code that are being compiled by the compiler, and to encode information in the one or more unused bits, the information being configured to be used by a post-compile-time software application.”

IV. Dependent claims 31-35

Dependent claims 31-35 are patentable over the cited references for at least the reason that each of the claims 31-35 includes all the limitations of claim 30 from which claims 31-35 depend, and which has been shown to be patentable over the cited references.

V. Independent claim 36

Currently-amended claim 36 is patentable over the cited references for at least the reason that the cited references do not disclose, teach, or suggest “means for compiling a plurality of blocks of code, including finding one or more unused bits in an instruction in one of the plurality of blocks of code, and using the one or more unused bits to pass information to a post-compile-time software application.”

VI. Dependent claims 37-39

Dependent claims 37-39 are patentable over the cited references for at least the reason that each of the claims 37-39 includes all the limitations of claim 36 from which claims 37-39 depend, and which has been shown to be patentable over the cited references.

VII. Independent claim 40

Currently-amended claim 40 is patentable over the cited references for at least the reason that the cited references do not disclose, teach, or suggest “finding one or more unused bits in an instruction in one of a plurality of blocks of code that are being compiled.”

VIII. Dependent claims 41-45

Dependent claims 41-45 are patentable over the cited references for at least the reason that each of the claims 41-45 includes all the limitations of claim 40 from which claims 41-45 depend, and which has been shown to be patentable over the cited references.

IV. Independent claim 46

Newly-added claim 46 is patentable over the cited references for at least the reason that the cited references do not disclose, teach, or suggest “during the step of compiling, finding one or more unused bits in an instruction in one of the plurality of blocks of code, wherein the one or more unused bits are used to pass information to the post-compile-time software application.”

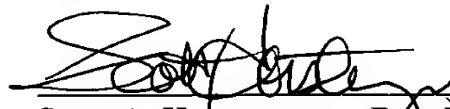
X. Dependent claims 47 and 48

Dependent claims 47 and 48 are patentable over the cited references for at least the reason that each of the claims 47 and 48 includes all the limitations of claim 46 from which claims 47 and 48 depend, and which has been shown to be patentable over the cited references.

**CONCLUSION**

In light of the foregoing and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been rendered moot, and that the now pending claims 23-48 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
 Scott A. Horstemeyer, Reg. No. 34,183

Thomas, Kayden, Horstemeyer & Risley, L.L.P.  
 100 Galleria Parkway, NW, Suite 1750  
 Atlanta, GA 30339-5948  
 Telephone: 770-933-9500  
 Fax: 770-951-0933